ORIGINAL

U.S. DISTRICT COURT FILED JUL 18 2016 S.D. OF N.Y.

Approved: [signature]
CATHERINE E. GEDDES
Assistant United States Attorney

Before: THE HONORABLE SARAH NETBURN
United States Magistrate Judge
Southern District of New York

16 MAG 4589

DOC #

UNITED STATES OF AMERICA

- v. -

EDMUND DUFFY,

Defendant.

COMPLAINT

Violations of 18 U.S.C. §§ 2252A(a)(2)(B), (a)(5)(B), (b)(1), (b)(2), and 2

COUNTY OF OFFENSE: NEW YORK

SOUTHERN DISTRICT OF NEW YORK, ss.:

THOMAS THOMPSON, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI") and charges as follows:

COUNT ONE
(Possession of Child Pornography)

1. From at least in or about 2011, up to and including at least in or about May 2016, in the Southern District of New York and elsewhere, EDMUND DUFFY, the defendant, knowingly did possess and access with intent to view, and attempt to possess and access with intent to view, a book, magazine, periodical, film, videotape, computer disk, and other material containing an image of child pornography that had been mailed, shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, DUFFY possessed images of child pornography, including images of prepubescent minors, in his residence in New York, New York.

(Title 18, United States Code, Sections 2252A(a)(5)(B), (b)(2) and 2.)

COUNT TWO
(Receipt and Distribution of Child Pornography)

2. From at least in or about 2011, up to and including at least in or about May 2016, in the Southern District of New York and elsewhere, EDMUND DUFFY, the defendant, knowingly did receive and distribute and attempt to receive and distribute material that contains child pornography that had been mailed, and using a means and facility of interstate and foreign commerce shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, DUFFY used a computer to receive and distribute videos and images containing child pornography over the Internet in his residence in New York, New York.

(Title 18, United States Code, Sections 2252A(a)(2)(B), (b)(1) and 2.)

The bases for my knowledge and for the foregoing charges are as follows:

3. I have been a Special Agent with the FBI since December 2004 and have been assigned to investigate violations of criminal law relating to the sexual exploitation of children.

4. I have been personally involved in the investigation of this matter, and I am familiar with the information contained in this Complaint based on my own personal participation in the investigation, my review of documents, conversations I have had with other law enforcement officers about this matter, my training and experience, and numerous discussions I have had with other law enforcement personnel concerning the creation, distribution, and proliferation of child pornography. Because this Complaint is being submitted for the limited purpose of establishing probable cause to arrest the defendant, I have not included the details of every aspect of the investigation. Where actions, conversations, and statements of others are related herein, they are related in substance and in part, except where otherwise indicated.

Definitions

5. The following terms have the indicated meaning in this Complaint:

a. The terms "minor," "sexually explicit conduct," and "visual depiction," as used herein, are defined as set forth in Title 18, United States Code, Section 2256.

b. The term "child pornography," as used herein, is a visual depiction of a minor involved in sexually explicit conduct as defined in Title 18, United States Code, Section 2256(8).

Overview of Peer to Peer ("P2P") File-Sharing Network

6. From my experience as a Special Agent with the FBI, including my participation in prior investigations relating to the sexual exploitation of children, my training, experience and advice received concerning the use of computers in criminal activity, and from my conversations with other law enforcement personnel, I have learned the following:

a. P2P file-sharing is a method of communication available to Internet users through the use of special software. Computers linked together through the Internet using this software form a network that allows for the sharing of digital files between users on the network. A user first obtains the P2P software, which can be downloaded from the Internet. In general, P2P software allows the user to set up file(s) on a computer to be shared with others running compatible P2P software.

b. The latest evolution of P2P software is a program that allows a user to set up his or her own private P2P network of contacts that user approves. These approved contacts can then browse the list of files that the user has made available to download, select desired files from this list, and download the selected files. The downloading of a file occurs through a direct connection between the computer requesting the file and the computer containing the file. Similarly, the user would be able to browse the files that their contacts have made available and select certain files for download onto their computer. P2P software also often allows users to send direct messages to one another.

c. A P2P file transfer is assisted by reference to the IP addresses of each party. The IP address provides a unique location for each computer in the P2P network making it possible for data to be transferred between those computers without having to upload it onto a website or some other intermediary.

d. Third-party software is available to identify the IP address of the P2P computer sending the file. Additionally, a forensic examiner often can examine a computer and recover evidence suggesting whether a computer contains peer to peer software, when the computer was sharing files, and some of the files which were uploaded or downloaded, even if that information has been "deleted" by the user.

The Investigation

7. From my personal involvement in this investigation, my review of documents, and conversations I have had with other law enforcement officers, I have learned, among other things, that:

a. On or about April 15, 2016 and May 3, 2016 (the "Undercover Sessions"), two FBI Special Agents working in an undercover capacity ("UC-1" and "UC-2") signed into a publicly available P2P file-sharing program via an Internet-connected computer located within the FBI to conduct undercover investigations into the Internet distribution and possession of child pornography. The Undercover Sessions were recorded by video capture using a software program.[1] In addition, any download activity was monitored via a network monitoring program.

b. On or about April 15, 2016, upon signing into the publicly available P2P file sharing program, UC-1 observed that the user "Daddisc" was online. Text below Daddisc's name indicated that Daddisc was "available to trade." Daddisc was sharing 3 read-only folders titled, "AOL Downloads," "daddiscmr" and "dadspanks." UC-1 browsed through Daddisc's shared folder and files; numerous files had filenames and thumbnails indicative of child pornography.

c. UC-1 downloaded 12 image files from "Daddisc" and my review of these files revealed all of the downloaded files depict child pornography. Several of these files are described as follows:

i. "mom licks 10yo daughter.jpg" - An image of a nude prepubescent girl, approximately 10 years old, and a nude adult female. The mouth of the adult female is on the girl's vagina.

ii. "((pthc)) enza & Marcia cousins (19).jpg" - An image of two nude girls, approximately 14 and 9 years old, sitting down, with their legs spread open, exposing both of their vaginas.

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[1] The software program is a screen video capture program that is used to copy activity from a user's computer screen and store that activity in the form of video or image files.

iii. "[pthc] 10yr missy (so hot!)(3).jpg" - An image of a nude prepubescent girl, approximately 10 years old, lying down on a bed with her legs spread open, exposing her vagina.

d. On or about May 3, 2016, upon signing into the publicly available P2P file sharing program, UC-2 observed that the user "Daddisc" was online. UC-2 downloaded five image files depicting child pornography from "Daddisc."

e. During the Undercover Sessions, the IP Address utilized by "Daddisc" was assigned to the internet service provider Time Warner Cable. Records obtained from Time Warner Cable showed that the IP Address, at the date and times of the Undercover Sessions, was subscribed to a certain physical address on West End Avenue in Manhattan, New York (the "West End Address").

f. The Time Warner Cable account was listed in the name of EDMUND DUFFY, the defendant.

g. A New York State Department of Motor Vehicles records check indicates that DUFFY resides at the West End Address.

8. On or about June 14, 2016, I and other law enforcement agents executed a court-authorized search warrant (the "Search Warrant") at the West End Address. The Search Warrant authorized the search and seizure of, among other things, any computers, hard drives, and flash drives found at the West End Address.

a. EDMUND DUFFY, the defendant, was present at the West End Address when agents arrived to execute the Search Warrant.

b. I and another FBI agent conducted an interview of DUFFY. At the beginning of the interview, DUFFY was informed that he was not under arrest and was free to leave. During the interview, DUFFY stated, in substance and in part, that:

i. DUFFY has been downloading and viewing images and videos of children on the P2P file-sharing program for approximately five years.

ii. DUFFY prefers to view images and videos of adults and children between the ages of 10 and 14 being spanked. However, DUFFY acknowledged that not all of the images he had downloaded and made available for others to download depicted only spanking. DUFFY also acknowledged that some of the images he downloaded and made available for others to download portrayed nude children engaging in sexually explicit conduct.

iii. DUFFY stated that he obtained the images and videos by downloading files through the P2P file-sharing program. DUFFY indicated that he has masturbated to images and videos of children being spanked and child pornography.

c. During the execution of the Search Warrant, law enforcement agents recovered, among other things, portable flashdrives and a laptop computer (the "Seized Items"). DUFFY acknowledged that the Seized Items belonged to him.

9. I am a certified FBI Digital Extraction Technician (DExT) and conducted a DExT analysis of the Seized Items for evidence of the sexual exploitation of children. Based on that analysis, and my training and experience, I determined that the Seized Items contained the following:

i. Approximately 175 image files of child pornography.

ii. Approximately 32 video files of child pornography.

iii. Numerous video files of prepubescent children being violently spanked.

WHEREFORE, the deponent respectfully requests that EDMUND DUFFY, the defendant, be arrested and imprisoned or bailed, as the case may be.

THOMAS THOMPSON
Special Agent
Federal Bureau of Investigation

Sworn to before me this
18th day of July, 2016

THE HONORABLE SARAH NETBURN
United States Magistrate Judge
Southern District of New York